

MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
July 23, 2012

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **July 23, 2012**, at 8:10 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Scott Ewing, County Attorney; and Ms. Catherine Windham, Interim Clerk to Council. Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis: "At this time, I call the County Council to order for the Regular Meeting."

APPROVAL OF MINUTES

Chairman Daniel Davis: "The first order of business is the approval of minutes. We have Special Council Meeting minutes of June 22, 2012, Public Hearing minutes for Bill No. 12-04 and 12-08 thru 12-14 of June 25, 2012, Regular Council Meeting minutes of June 25, 2012, and a Special Council Meeting of June 29th."

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Yes, Sir."

Council Member Call: "Can we take the Regular Council Meeting of June the 25th separate?"

Chairman Daniel Davis: "I can do that. Do I have a motion on the other three minutes?"

Council Member Schurlknight: "So move."

Chairman Daniel Davis: "We have a motion; we have a second? Do I have a second?"

Council Member Pinckney: "Second."

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **approve** the Special Council minutes of June 22, 2012, minutes from Public Hearings for Bill Numbers 12-04 and 12-08 thru 12-14, and the Special Meeting minutes of June 29, 2012, as presented. The motion passed by unanimous voice vote of Council.

Chairman Daniel Davis: "Now, the Regular Council Meeting minutes of June 25, 2012?"

Council Member Call: "I just had a question, Mr. Chairman, if I may? Mr. Callanan questioned the legality of that meeting. He said he had spoken to someone at the Association of Counties that made it clear that electronic participation violated the Freedom of Information Act. 'That's what they told me.' And he'd be happy to get the information to us who told him that. I was wondering if we ever received that."

Chairman Daniel Davis: "I'm not aware."

Council Member Call: "Thank you, Mr. Chairman."

Chairman Daniel Davis: "Mr. Callanan, did you have, did you find the individual..."

Council Member Callanan: "It was a, it was an instructor at the, at the Institute of Government, not an employee of the Association of Counties, the Institute of Government for County Officials. That was a, that was my mistake, but it was, you know, it was the same instructor who, by the way, told me that amending the agenda on the fly was a violation of FOIA, and she appears to be correct on that, as well."

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Call."

Council Member Call: "My point was that Mr. Callanan agreed to furnish us the name of that person, and, and that, that's the end of my comments. Thank you."

Chairman Daniel Davis: "Ok, then I'll entertain a motion that the minutes be approved."

Council Member Callanan: "Are they being amended; I'm sorry; before I vote on this, are they being amended? I just don't understand, other than the..."

Council Member Schurlknight: "Mr. Chairman."

Chairman Daniel Davis: "I didn't hear an amendment. Mr. Schurlknight."

Council Member Schurlknight: "Since this has been brought back up again, I'd like to ask for the County Attorney to clarify the legalities and Councilman Callanan's claims before we move forward, to make sure we're all on the same page."

Ms. Ewing: “Thank you, Mr. Schurlknight. As I said at that, I believe, at the previous meeting, since I did not get a name from Mr. Callanan, I went ahead and reached out to the South Carolina Association of Counties on my own, and I spoke with Jenna Stephens, Clif Scott and Robert Croom, three attorneys at the Association of Counties. And, they agreed with me that participation by electronic means is legal, and that they use for their support in that Section 30-4-20, Subsection (d), of the FOIA Law, as well as a case out of the Supreme Court of Wiedemann v. Town of Hilton Head Island, which can be found at 330 S.C. 532. And, if I may take a minute, Mr. Callanan addressed the agenda and the amendment of the agenda, and there was a case that went up in front of the Court of Appeals, in front of a three-member panel, and two of those members found that you could not modify the agenda at a County Council Meeting; however, there has been – there was a very lengthy dissent by our very own Judge Pieper, who used to be here on the Circuit, Circuit Court for Berkeley County. Saluda County has filed a petition for rehearing. I believe, a number of counties have joined in that petition for rehearing. I also believe that the South Carolina Association of Counties is filing an amicus brief indicating that the panel was wrong in its decision.”

Council Member Schurlknight: “Good; thank you. Mr. Chairman, could we...”

Chairman Daniel Davis: “Mr. Schurlknight.”

Council Member Schurlknight: “...let the minutes show that Councilman Callanan did not give us a name, so we could have discussion about it, and our attorney has talked to three attorneys at the Association of Counties, and they clarify that for us. And, I would like the minutes to show that, please.”

Council Member Callanan: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: “That did not occur on that meeting on that day, so therefore, it cannot be included in those minutes.”

Council Member Schurlknight: “Well, Mr. Callanan, if you’ve got the name of the person you talked to...”

Council Member Callanan: “I know you don’t care about rules, and I actually have the floor right now.”

Council Member Schurlknight: “Yeah.”

Chairman Daniel Davis: [Struck the gavel twice.] “Hold on.”

Council Member Schurlknight: “In fact, I’ve got the...”

Chairman Daniel Davis: “Mr. Callanan.”

Council Member Callanan: "Ok! I actually have the floor right now."

Chairman Daniel Davis: "Mr. Callanan, I was trying to correct it. I said you had the floor."

Council Member Callanan: "My point being that minutes reflect what happened on that evening. Tonight's minutes will reflect what happens on this night's meeting. If you want to violate what the, what, what the minutes should represent, you guys have the majority. Go right ahead. But, I'm simply stating that minutes represent what happened on that night, and if – and that – what you're saying now happened tonight, so it can, therefore, occur in tonight's minutes, but cannot – we cannot go back in time and put Ms. Ewing's comments in that night's evening minutes if she did not say it on that night."

Chairman Daniel Davis: "And, I think, you are correct. Those comments will be reflected in tonight's minutes. Ok; with the – we need a motion to adopt the Regular Council Meeting minutes of June 25th, and they will not include any of the comments."

Council Member Pinckney: "So move."

Chairman Daniel Davis: "Motion, is there a second?"

Council Member Call: "Second."

It was moved by Council Member Pinckney and seconded by Council Member Call to **approve** the minutes of the Regular Council Meeting held June 25, 2012, as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Public Discussion commenced at 8:17 p.m.

Chairman Daniel Davis: "Ms. Varner, did you want to speak again?"

Ms. Varner addressed Council during Public Hearings held earlier this night, and so declined to speak at this time.

Chairman Daniel Davis: "Ms. Bowen-Parker?"

Ms. Bowen-Parker addressed Council during Public Hearings held earlier this night, and so declined to speak at this time.

Chairman Daniel Davis: "And then I have Marietta Hicks."

Ms. Hicks: “Thank you, Council. I just wanted to talk about the leave policy. I was on that committee, and it was a very in-depth discussion, but I have concerns about the sick leave. I have been here almost 24 years in August. I’m one of those old timers that we had the sick leave and the personal leave and the jury duty and the bereavement. And, it was very disheartening when I would see abuse being used on the sick leave, on the bereavement and the jury, especially on the bereavement and the sick leave. People who truly were not sick, they may have had a cut finger or something, and they would take a sick leave. So, sick leave to me is a way to abuse the system, and I love that we have personal leave. We have to manage our own time. If we go to the sick leave of 15 and 15, you’re actually hurting me, because I don’t need sick leave. So, well let’s go here [knocking on wood]. We converted to sick leave. We converted to personal leave back in 2000. I don’t think I have used a sick leave from that bank since 2000. So, I really wish you would consider not doing sick leave. I feel like by doing sick leave, y’all are controlling my time, because you’re saying I’m only gonna give you so many vacation days, and I’m only gonna give you so many sick leave. And, for those of us that are blessed with good health, you’re really punishing us, and I also think you’re setting up people to maybe falsify when they’re sick, so they can use their sick leave. So, I really wish you’d consider not doing sick leave. When we were on this committee, sick leave was never brought up. I don’t remember that, and if it was, it was just a really small conversation. So, I would rather you reduce personal leave if you feel strongly, than to divide sick leave and personal leave, because I really think you’re punishing people. And, people should be able to manage their own time, versus someone else telling me how to manage my time. And, I am one of those – 69 – I’m number 69 out of the 90 that have leave on the books. So, I think I’ve been around a long time, and I just really wish y’all would consider that. Thank you.”

Chairman Daniel Davis: “Thank you. Ok, anybody else wish to address Council on an agenda item?”

Mr. Brown: “Nathaniel Brown; I work in the garage. When you’re talking about the leave, and I hear the young lady mention about that 20, some-odd years, the problem I have with it is when you’re talking about the leave, and you’ve had people that been here so many years, and that time is already granted to them, and you’re talking about taking that leave, and you’ve got people that are committed to working, and you know, don’t be sick. I’m one of the ones just like she talked about don’t hardly be sick, and I thank God for that. But, when you come to work, and you build your time up, to me, I have a problem when you’re trying to take that time away. You know, that’s something that you have already been granted to. I didn’t hear nothing about nobody say about keeping, you know, your leave time that was granted to you – anything about keeping it – what was said is about taking away. So, I, I, I wish somebody would, you know, speak to that issue, you know, when you have already have gained this time. You know, your leave, you know, taking away – that’s what gets me, when you accumulate so much time that’s already been granted to you. And, I think it’s not fair when you do that. You know, it should be something done about that or say something stated about that in our behalf. You know, I think we have – I think, it was said about 80 some people that have this leave time that built up, and you know, some people do abuse it. They abuse sick leave, they abuse their annual leave, but you have some people that’s dedicated to working. So, what do you do about those people that are being honest, and they’re working towards being a good employee working for the company? What, you know – you got – somebody gonna have to speak to those issues. I

would like to hear something about, you know, people, you know, saying something about us keeping our time, you know, benefit.”

Chairman Daniel Davis: “Thank you. Anyone else?”

Ms. Brown: “My name is Mary P. Brown, Clerk of Court for Berkeley County. I did not come prepared to speak – I would have a cheat note right here, but I’ve been with the County 44 years. Phillip Farley, you are absolutely right, the employees come in sick. You can’t tell them to go home. It’s a sensitive subject. We, I was here when there was no leave policy, you know, it was unlimited, but when they had the previous leave policy, you had to take leave. It wasn’t no build-up time. If 22 people have not shown taken leave, they just didn’t report it, in my opinion, because it’s left to the directors, us elected officials, to be accountable. I like the old system where we had sick leave, so when they were sick, they were sick. And, when they wanted vacation, vacation, and you could only carry over according to the years, but I think it should be maximum how much you carry over, because some people are counting on that big pay check, which kills our budget for payouts. I don’t like the new proposal leave policy. That’s my opinion only. That’s all I wanted to say. Thank you.”

Council Member Schurlknight: “Thank you.”

Chairman Daniel Davis: “Thank you.”

Council Member Farley: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Farley.”

Council Member Farley: “One, one of the points that I’m looking at is the gentleman here. How many hours do you have total?”

Mr. Brown: “You talking to me?”

Council Member Farley: “Yes, Sir.”

Mr. Brown: “I have around 17.”

Council Member Farley: “How many?”

Mr. Brown: “Around 17.”

Council Member Farley: “Nine, seventeen?”

Mr. Brown: “No, 17.”

Ms. Kace Smith, Deputy Supervisor and Finance Director: “Seventeen hundred.”

Council Member Farley: “Seventeen hundred total.”

Ms. Turner: "One thousand, seven hundred, thirty-nine."

Council Member Farley: "Ok, he's got 1,739 hours. If he took 50 hours, no, what is it, 37.5 weeks."

Council Member Fish: "That's almost a year."

Ms. Smith: [Inaudible]

Council Member Farley: "Thirty-seven and a-half hours is one week."

Ms. Turner: "He would have to take 10 months off in a year to use up all his sick time."

Council Member Farley: "How long?"

Ms. Turner: "He would have to take off 10 months."

Council Member Farley: "Two months?"

Ms. Turner: "Ten."

Council Member Farley: "Ten months; ok, if he took a month a year – how old are you?"

Mr. Brown: "Me?"

Council Member Farley: "Yes, Sir."

Mr. Brown: "Sixty-two."

Council Member Farley: "Sixty-two; you see what I'm talking about? I mean, he could take, he could take 10 weeks – he could take 20 weeks this year and never come down to his, his – and damage what we were gonna buy back or pay back if he retires, because he'll get 50 percent, I mean, for the first 50 days. That's 37 and a half. Going that way, we'd pay 100 percent, 50 percent, 35 percent. That's what you said, correct? Fifty, fifty, fifty; so, I mean, he could take 20 weeks a year between now and – he can draw social security next year."

Ms. Turner: "Except the policy does limit that. And, you are right, Mr. Farley, that he could, but you'd have to once again look at the majority. It's not everyone in the County. Even if we..."

Council Member Farley: "I understand that."

Ms. Turner: "...but, even if we just went to just a week, there will be some people that – you take a week, they still won't take it, and then we'll still get to the same place, so."

Council Member Farley: “But we’ve got – it would bankrupt the County right now if we had to buy back all the leave accumulated out there. Is that right, Kace? I think Kace and I – I’ve had talks about this, but we don’t have that much money, and this is what I’m talking about. I mean, we’ve got to come to a conclusion, agreement or something, and it’s not gonna affect you. It’s gonna affect the future of Berkeley County.”

Ms. Turner: “You know, whatever policy we have, that’s one reason why our caps are important, because that was one of the bigger issues, because if there was a cap on where leave is, whether it’s sick leave, vacation leave, no matter what kind of leave it is, then what it would cost the County would be limited. But, what has happened before in our policy is that there was never a cap, so we just was able to accumulate, and accumulate, and accumulate, even with this old sick leave, so that’s gonna be one of the critical things. No matter what we call it, personal leave, vacation or sick, that’s gonna be a critical part of it.”

Council Member Farley: “I’m gonna ask you a question now.”

Ms. Turner: “Yes, Sir.”

Council Member Farley: “Have y’all discussed among yourselves a dollar amount to offer the employees to buy back their unused leave?”

Ms. Turner: “Yes, and that’s in the policy information that I provided to you, as well. And, that information was shared with the employees and the committee. So, yes, we did, and that information was provided to County Council in the draft policy that I submitted to you all.”

Council Member Farley: “Dollar amount?”

Ms. Turner: “Yes, Sir; give me a minute; I have a copy here.”

Council Member Farley: “Ok, thank you. That’s all, Mr. Chairman. Thank you.”

There were no others to address Council. Public Discussion concluded at 8:29 p.m.

EXECUTIVE SESSION – none

CHAIRMAN OF COUNTY COUNCIL

REPORTS FROM STANDING COMMITTEES

Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier this night.”

a. Employee Compensation

Chairman Schurlknight: “On recommendation of the Committee, I move to **approve** the employee compensation changes from a graded structure to a broadband structure.” *(No second required.)*

The motion passed by majority voice vote of Council. Council Member Fish voted, “Nay.”

b. Leave Policy

c. Insurance Comparison

Chairman Schurlknight: “Also, the Finance Committee received information concerning a Berkeley County employee insurance comparison. This was for information only.”

d. Clemson University County Extension Support Agreement

Chairman Schurlknight: “Next, on recommendation of the Committee, I move to **approve** the Clemson University County Extension Program Support Agreement and authorize the funding of the County’s sponsorship for the Fiscal Year 2012-2013, in the amount of \$13,647.00, to come from the Department 47012, National Forest Funds.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

e. Capital Improvement Fund

Chairman Schurlknight: “Mr. Chairman, on recommendation of the Committee, I move to **approve** the use of the Capital Improvement Fund to purchase replacement vehicles for road deputies, in the amount of \$300,000.00.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

f. 2012 Bulletproof Vest Grant Matching Funds

Chairman Schurlknight: “Also, on recommendation of the Committee, I move to **approve** funds upon award of the grant, in the amount of \$44,056.00 from the Capital Improvement Fund for the 2012 Bulletproof Vest Grant.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

g. Additional Funds to Add One CPL (Deputy Sheriff II) to School Resource Officer's Personnel Budget

Chairman Schurlknight: "Also, on recommendation of the Committee, I move to **approve** additional funds, in the amount of \$31,744.00, to come from Contingency, to add one (1) Deputy Sheriff to the School Resource Officer's Personnel Budget." *(No second required.)*

The motion passed by unanimous voice vote of Council.

Chairman Schurlknight: "And finally, on recommendation of the Committee, I move to **increase the millage rate** on Trident Technical College by a half mill (0.5) to provide funding for its nursing building." *(No second required.)*

Chairman Daniel Davis: "And, before I ask for a vote on that, I wanted to read from a document. This is the Trident Tech document of February 16, 2010 regarding their request, and it says, and I'll be glad to provide anyone a copy of it, 'We are requesting a debt service millage for Trident Technical College for the nursing building to appear as a TTC expense on the tax bill. This has been done by other counties across the state.' So, that's where I got that they had requested the millage. It came from their documents."

Ms. Ewing: "Mr. Chairman? Also, along with that, I believe, a question regarding whether or not a motion or a resolution had ever been proposed in regard to the Trident Tech millage. On March 22, 2010, after speaking with the attorney for Trident Tech, we had proposed the following language, 'I move that Berkeley County Council provide Trident Technical College a total of 7.5 million dollars for the Trident Technical College Nursing and Science Building. I further move that the appropriation of the funds shall be from an increase in the annual millage assessment, in an amount to be determined by the Berkeley County Council during the Fiscal Year 2011 budget process. I further move the annual millage assessment shall return to its current rate once 7.5 million dollars has been appropriated for the nursing and science building, and this commitment shall, in no way, constitute a General Obligation Debt of the County; and in the event that it is determined to be a General Obligation Debt, this commitment shall be rescinded immediately.' After a motion and a second, and discussion, the issue was tabled and never brought back up."

Chairman Daniel Davis: "Thank you, Ms. Ewing. Ok, we have a motion from the Finance Committee regarding the Trident Tech millage. Any additional discussion?"

Council Member Callanan: "Yes, Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "Yeah, I don't, I don't, I don't want anyone to misunderstand what I said. I do not believe that these funds should be coming out of General Funds. My view

is that since we're too late this year that we provide the money this year out of the Fund Balance, because we're too late on it. And then next year, yes, raise the millage, but offset it with the equal amount of millage from the General Fund. And, that's all I've been arguing for from the beginning. And so, you know, my problem with this is that we're doing a resolution trying to obligate a future Council, and I just think it's bad policy, so, you know. You know, let the cards fall as they may."

Chairman Daniel Davis: "And as I said earlier, I think, I think Trident Tech would, would rather have the commitment for the long-term dollars, than they would an appropriation out of the General Fund this year, because I think they can get by without that."

Council Member Callanan: "Ok; I mean, it's – but, my point being that I have no problem with raising the millage for them, but I want – I would like a swap. I would like an offset for a reduction in the General Fund millage next year. And, I'd like us to look together as a team to come up with a .5 millage decrease in our General Fund millage. That's all – that's, that was my recommendation from the beginning; it is my recommendation now. And, you know, my only issue with this is only a) you're committing, trying to commit a future Council, but you're also, you know, only dealing with one part of the equation – that's the tax raise, not the tax offset, so."

Council Member Farley: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Farley."

Council Member Farley: "I agree with Tim, but I also think that if we go ahead and do it now, we can't put it on this year's deal, but we will have it on next year's."

Council Member Callanan: "This, this doesn't – no, this doesn't obligate us next year."

Ms. Ewing: "And, Mr. Callanan is correct. This, this would not obligate us. This is not an ordinance; it's not a law. It is just an expression of Council's will and intent. Until it was actually adopted in the budget ordinance for next year, it would not be binding."

Council Member Callanan: "So, what I'm saying is why do it? You know, let's, let's see if we can sit down together, come up with the .5 millage savings, you know, to offset this, you know, rather than just saying, hey let's just raise taxes .5 mills as a symbol. And, that's all this is is a symbol of what a majority of this Council believes. And, you know, so it really – it serves no other point/purpose other than that as some sort of symbols. It does not raise millage next year in any way, shape or form."

Council Member Pinckney: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Pinckney."

Council Member Pinckney: "When you talk about obligating another Council, we don't have an upcoming election."

Council Member Callanan: "As of January 1st of next year, there will be a new Council."

Council Member Pinckney: "That's just one vote."

Council Member Callanan: "It is a, technically, a new Council."

Council Member Pinckney: "But, it's still just one vote."

Council Member Callanan: "But, it's still, technically, a different Council, and I'll just leave it at that."

Council Member Pinckney: "We're still straining out on that drinking a – if we want to do what we said we wanted for Trident, we can do that. We'll be right here next year, if the good Lord's willing. Now, we can still move forward with it. So, we need not kick this can down the road."

Chairman Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Schurlknight."

Chairman Schurlknight: "The, the thing I'm hanging up on is Councilman Callanan is talking about going to the next year's budget and finding this \$441,000.00. My problem with the budgets again with our staff, those budgets are, are cut to the bone, and I just cannot go in with that mindset looking to cripple other departments to offset what Trident Technical College is wanting to do. Again, I fully support it. I think it needs to come from millage under Trident Technical's name, and we'll move forward from that point on. But, I just cannot see where we're gonna find a half-million dollars, 441,000, in next year's budget. I don't see a lot of revenue increases coming into the County, and I sure don't, cannot support crippling other departments. I've gotten calls today for Roads and Bridges to come out and do work on some roads and stuff. There's still a lot of need out there for the citizens, and I just can't see cutting those services to try to find that money. Thank you."

Chairman Daniel Davis: "Anyone else have any comments or questions?"

Council Member Farley: "I'm, I'm a little..."

Chairman Daniel Davis: "Mr. Farley."

Council Member Farley: "...confused on – are you wanting to vote for a half mill increase, but it won't take..."

Ms. Ewing: [Inaudible]

Council Member Farley: "It's not gonna be a good vote, because we can't do it for next year."

Ms. Ewing: “The only way to actually impose the half mill increase would be through an ordinance, which would take Three Readings and a Public Hearing. You cannot increase taxes by resolution or just a motion of Council. The concern is that because of the lateness in the year that an ordinance would not – we would not be able to get an ordinance done in time to get the tax bills out. I think Ms. Jurosko is required to have them opened beginning October 1, and I don’t know what the back-up time – if Chip – I don’t know what the back-up time is for getting them processed through IT for them to actually go out. So, a resolution or a statement tonight at best is a verbal promise that we will do it in next year’s budget. Just, unless Council wants to go ahead and try to get an ordinance done this year. And, I would have to rely on the Auditor’s Office and the IT Department to actually determine whether or not that’s, that’s possible. I can’t, I can’t speak for them. I don’t have their timeline. But, yes, we cannot bind future Councils. A resolution, a vote by Council does not have the force of law. It would not be adequate for actually increasing the millage rate for this tax year, for this budget year.”

Council Member Callanan: “Or next year. Or next year.”

Ms. Ewing: “Or, or next year. That’s a, that’s a good point. We would actually have to include it in next year’s budget ordinance to do it, and follow the proper notice and Public Hearing provisions that are required under the state statute.”

Chairman Daniel Davis: “Alright, any other discussion?”

Council Member Pinckney: “What shall we do?”

Chairman Daniel Davis: “Well, we have a motion. We have a motion.”

Council Member Pinckney: “Ok.”

Chairman Daniel Davis: “By Finance, out of Finance, so I’m gonna call for the question.”

Chairman Schurlknight: “Sounds good.”

The motion **failed** to pass. By a show of hands, Council Members Call, Schurlknight and Pinckney voted, “Aye.” Council Members Callanan, Cathy Davis, Farley and Fish voted, “Nay.”

(That concluded Chairman Schurlknight’s report.)

Council Member Fish: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Fish.”

Council Member Fish: “I guess, Number One, I thought, on the employee compensation we agreed before we approve that there would be a motion – there would be a workshop before

we would approve it. And then, all of a sudden, you went through and approved it, so what's the need of having a workshop?"

Chairman Daniel Davis: "No, no, no; the motion was to approve the broadbanding, as opposed to the grading system. So, we're still gonna have the workshop and explain. Now, we'll get into the broadbanding, but the compensation plan was not approved."

Council Member Fish: "Ok; alright..."

Council Member Callanan: "Mr. Chairman?"

Council Member Fish: "I wanted to make sure that was clear."

Chairman Daniel Davis: "And, we're gonna have the workshop on that and the other, the leave policy."

Council Member Callanan: "Did we report out the denial of the leave policy?"

Council Member Fish: "No."

Chairman Daniel Davis: "I don't know."

Council Member Farley: "No."

Council Member Schurlknight: "No; we didn't; you're right."

Chairman Daniel Davis: "No; we didn't; ok; thank you."

Council Member Farley: "Skipped it."

Council Member Schurlknight: "We need to go ahead and, go back into it."

Chairman Daniel Davis: "Yeah."

Council Member Schurlknight: "We're out."

Committee on Finance – Reopened
Council Member, Mr. Jack H. Schurlknight, Chairman

b. Leave Policy

Chairman Daniel Davis: "I would entertain a motion from Finance that a vote was taken on the leave policy and the recommendation to adopt the leave policy was denied."

Chairman Schurlknight: "So move."

On recommendation of the Committee, Chairman Schurlknight moved to deny proposed changes to the leave policy, as presented by Human Resources. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Schurlknight's report.)

Committee on Land Use
Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: "Yes, Sir, Mr. Chairman. The Committee on Land Use met on July 9th, and all matters on the agenda have been addressed tonight."

(That concluded Chairman Farley's report.)

Committee on Public Works and Purchasing
Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney: "Mr. Chairman, the Committee on Public Works and Purchasing met on July 9th."

a. Pre-Position Contractor for Emergency Services

Chairman Pinckney: "On recommendation of the Committee, I move to **approve** the awarding of the contract for pre-position contractor for emergency services to Crowder Gulf, with no fiscal impact unless the contract is activated." *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Pre-Position Inspection Consultant for Emergency Services

Chairman Pinckney: "Also, on recommendation of the Committee, I move to **approve** the awarding of the contract for pre-position inspection consultant for emergency services to Atkins North America, with no fiscal impact unless the contract is activated." *(No second required.)*

The motion passed by unanimous voice vote of Council.

c. Construction Award for SC 6 Resurfacing

Chairman Pinckney: "Also, on recommendation of the Committee, I move to **award** the construction contract for the SC 6 resurfacing to Sanders Brothers Construction, in the amount of \$4,396,898.11." *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Pinckney's report.)

Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman

In Chairman Steve Davis' absence, Acting Chairman Farley: "Mr. Chairman, the Committee on Justice and Public Safety met earlier this night."

a. 2012 Justice Assistance Grant (JAG)

Acting Chairman Farley: "On recommendation of the Committee, I move to **approve** the 2012 Justice Assistance Grant matching funds, in the amount of \$3,833.00, to come from the Clerk of Court's budget." *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Addition of Surplus Vehicle

Acting Chairman Farley: "Also, on recommendation of the Committee, I move to **approve** an addition of a surplus vehicle for the Solicitor's Office." *(No second required.)*

The motion passed by unanimous voice vote of Council.

c. Proposed Medical Contract for Hill-Finklea Detention Center

Acting Chairman Farley: "Mr. Chairman, also on the recommendation of the Committee, I move to **approve** the awarding of a medical contract for the Hill-Finklea Detention Center to the Southern Health Partners, with the additional funds in the amount of \$179,220.00. Is that correct, Kace, 179,220."

Ms. Smith: "No, no."

Council Member Schurlknight: "One ninety seven."

Acting Chairman Farley: "One ninety?"

Council Member Schurlknight: "Seven."

Acting Chairman Farley: "What is that amount?"

Ms. Ewing: "One ninety seven, two, two, o."

Acting Chairman Farley: “One ninety seven, two, two, o, to come from Contingency.”

Recommendation of Committee, as corrected and reworded in its entirety:

On recommendation of the Committee, it was moved by Acting Chairman Farley to **award** the contract providing medical services to inmates at the Hill-Finklea Detention Center to Southern Health Partners, Inc., in the amount of \$197,220.00, with funds for these services to come from Contingency. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Davis’ report.)

**Committee on Water and Sanitation
Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call: “Mr. Chairman, the Committee on Water and Sanitation met on July 9th, and all matters were addressed on that night’s agenda.”

(That concluded Chairman Call’s report.)

**Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman**

Chairman Cathy Davis: “Yes, Mr. Chairman, the Committee on Planning and Development met on July 9th.”

PARD Grants

Chairman Cathy Davis: “On recommendation of the Committee, I move to **approve** the award of the PARD Grants and the execution of same by the County Supervisor, in the total amount of \$28,125.00, with the state’s share being \$22,500.00, and the County’s local share to be in-kind services, totaling \$5,625.00.” (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Cathy Davis’ report.)

**Committee on Community Services
Council Member, Mr. Timothy J. Callanan, Chairman**

Chairman Callanan: “Mr. Chairman, the Committee on Community Services met earlier this night.”

Funding and Expenditures for Bookmobile Project

Chairman Callanan: “On recommendation of the Committee, I move to **approve** the use of the unbudget Capital Funds donated for the bookmobile project, in the amount of \$120,304.78.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Callanan’s report.)

Committee on Human Services
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: “No report, Mr. Chairman.”

(That concluded Chairman Fish’s report.)

THIRD READING

“**BILL NO. 12-15, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #142-14-00-011.**”

(Brandy Patterson)

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **approve** Bill No. 12-15 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 12-07-22 is attached to these minutes.)*

“**BILL NO. 12-16, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #157-00-00-003.**”

(Mead Westvaco Camp Hall, LLC)

It was moved by Council Member Farley and seconded by Council Member Fish to approve Bill No. 12-16 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 12-07-23 is attached to these minutes.)*

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

“BILL NO. 12-17, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #195-12-01-006.”
(William & Theresa Price)

“BILL NO. 12-18, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #031-00-03-044 and TMS #031-00-03-045.”
(Ray Sedgwick)

“BILL NO. 12-19, AN ORDINANCE AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE A QUIT CLAIM DEED FROM BERKELEY COUNTY TO MWV-SHEEP ISLAND, LLC, FOR THE PROPERTY HEREIN DESCRIBED AS A PORTION OF TURTLE POND ROAD.”

“BILL NO. 12-20, AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT MIXED USE ASSESSMENT FOR CANE BAY PLANTATION (PDMU), REGARDING LIQUOR STORES.”

It was moved by Council Member Schurlknight and seconded by Council Member Fish to **approve** Bill Nos. 12-17, 12-18, 12-19 and 12-20 for Second Reading. The motion passed by unanimous voice vote of Council.

Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration. There were three bills for First Reading.

FIRST READING

“BILL NO. 12-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-02-045.”
(James Patenaude for Yeros Investments)

“BILL NO. 12-22, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #141-00-02-011.”
(Berkeley County Council for Shelby Ann Clark)

“BILL NO. 12-23, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #196-13-00-005.”
(Farmers and Merchants Bank)

RESOLUTIONS

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2012-2013 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Schurlknight and seconded by Council Member Call to **approve** the resolution providing for a transfer of funds.

Chairman Daniel Davis: “I have a motion and a second. Kace, you want to – I think, everybody wants to know. That just takes care of the earlier actions – go ahead.”

Ms. Smith: “Yes, Sir, it does. The transfers include the positions that you all approved for the Solicitor with the grants that were funded by the grants. You all approved that back in June, but it’s related to Fiscal Year 1213, so it’s getting budgeted in the month of July. And also, you all approved additional funds for the Public Defender for Fiscal Year 1213. We’re budgeting for that at this time. In addition to that, we’re budgeting for the School Resource Officer position, and we’re also budgeting for the Justice Assistance Grant for the Clerk of Court’s Office, matching funds provided from their carryover funds. We’re budgeting for the vehicles for the Sheriff’s Department that you all approved from the Capital Improvement Fund. And, we are also budgeting for the Clemson position, or the partial funding of the position, matching funds to come from Dorchester County, but those are funds from the National Forest Fund, and for the bookmobile. We are going to need to address the transfers for the decision that you all made tonight in regards to the medical services for the Sheriff’s Department. And, I wanted to inform you all that the bulletproof vests, although, you approved that in the month of July, that grant has not been awarded yet, and therefore, we will be budgeting that once the grant is awarded, because some times between when grants are applied for and they are awarded, the amounts could differ, so we don’t like to budget unless it is awarded. Does anyone have any questions on these?”

Chairman Daniel Davis: “Thank you, Kace.”

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 12-18 is attached to these minutes.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS

Chairman Daniel Davis: “We have opportunity for nominations to boards and commissions, and I have one that I’d like to recommend. You know, the Trident Workforce Investment Board is now housed at the Council of Governments. Mr. Mitchum, who’s in the audience, and they take applications – they solicit applications for folks to sit on that board. And so, we have two vacancies, and nominations for Allison Dennis from Santee Cooper and Paul Patterson from DuPont. Both of these are HR-related positions and would fit very nicely on that board, so I’d like to recommend them.

Council Member Cathy Davis: “Mr. Chairman?”

Chairman Daniel Davis: “Yes, ma’am.”

Council Member Cathy Davis: “Are you done?”

Chairman Daniel Davis: “Yes, ma’am.”

Council Member Cathy Davis: “I’d like to re-appoint Gary Hogsten, Ann Birch and Richard Poyns to the Sangaree Special Tax District, and to appoint Paul Helms to Tall Pines Tax District. Actually, Mark Bevins moved, so he would replace – Paul Helms would replace Mark Bevins.”

Chairman Daniel Davis: “Are there any others?”

Council Member Cathy Davis: “That’s it.”

Council Member Fish: “No, not at this time.”

It was moved by Council Member Schurlknight and seconded by Council Member Fish to **approve** the nominations of: Allison Dennis and Paul Patterson to the Trident Workforce Investment Board; Gary Hogsten, Ann Birch and Richard Poyns to the Sangaree Special Tax District; and Paul Helms to replace Mark Bevins on the Tall Pines Special Tax District. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The August 2012 Regular Meeting of Berkeley County Council will be held on Monday, **August 27, 2012**, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Schurlknight and seconded by Council Member Callanan to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 8:57 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION – none

Catherine Windham
Interim Clerk to Council

August 27, 2012
Date Approved